

F. STORMWATER MANAGEMENT AND LAND DISTURBANCE PERMITS

ARTICLE XI Regulations for Stormwater Management and Land Disturbance

Introduction

These Regulations establish stormwater management as well as erosion and sedimentation control standards and a permitting process for the conditions that are outlined in the Town's General By-Law Article XLI, Section C. Applicability (adopted at the Annual Town Meeting May 6, 2008 and effective September 12, 2008). As established in the by-law, the Planning Board is the designated permitting authority. These Regulations ensure compliance with the purpose and objectives of the by-law through inspection, monitoring and enforcement. *They are hereby adopted by the Planning Board after a public hearing held on August 28, 2008 and continued until September 25th.*

11.1 Administration

The Board shall administer, implement and enforce these regulations. Any powers or duties of the Board may be delegated in writing by the Board to its employees, representatives or agents.

11.2 Definitions

Best Management Practice: An activity, procedure, restraint or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Land-Disturbing Activity: Any activity , including without limitation: clearing, grubbing, grading, digging, cutting, excavation of soil, placement of fill, and construction that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

11.3 Permits and Procedures

11.3.1 Application package

The site owner or designated agent shall file with the Board a completed application package for a Land Disturbance permit (hereinafter Permit). Permit issuance is required prior to any site altering activity. The application package shall include the following:

1. Project Description. In narrative, the Applicant shall describe the following:
 - The existing zoning and land use at the site.
 - The proposed land use.
 - The site's existing and proposed topography
 - Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.

- Timing, schedules and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization.
 - A maintenance schedule for the period of construction.
2. Stormwater Management and Operation and Maintenance Plans (*if required by the intensity of development or constraints of the site*). The plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as well as the Planning Board's standards outlined below.

11.3.2 Entry and Inspections

Filing an application for a permit grants the Board, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

11.3.3 Plan Changes

The Applicant must notify the Board in writing of any drainage change or alteration in the system authorized in a Permit before any change or alteration is made. If the Board determines that the change or alteration is significant, based on the stormwater management standards and accepted construction practices, the Board may require that an amended application be filed.

11.3.4 Denial

The Board is empowered to deny a permit for failure to meet the requirements of the by-law; for failure to submit necessary information or plans requested by the Board; for failure to avoid or prevent unacceptable adverse or cumulative effects upon the resources protected by the by-law; or if in the Board's final judgment such denial is necessary to preserve the quality of the surface water or groundwaters of the Commonwealth and/or the storm drainage system of the Town of Holliston. In the event a permit is denied, the Planning Board shall put its reasons for denial in writing as part of issuance.

11.3.5 Project Completion

At completion of the project, the Applicant shall submit an as-built drawing of all structural stormwater controls and treatment best management practices required for the site, *if a Permit condition*. The as-built drawing shall document deviations from the approved plans, if any, and be certified by a registered professional engineer.

11.4 Enforcement

The Board or authorized agent of the Board shall enforce these regulations, orders, violations notices, and enforcement ordered, and may pursue all civil and criminal remedies for such violations. The Board may issue a written order to enforce the provisions of these regulations or the regulations thereunder, which may include requirements to:

- Cease and desist from the land disturbing activity until there is compliance with the by-law and provisions of a permit.
- Maintain or install additional erosion and sediment control measures.
- Monitor and/or perform analyses and reporting.
- Remediate erosion and sedimentation resulting directly or indirectly from the land disturbing activity.

If the Planning Board determines that abatement or remediation of stormwater, erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

Any person who violates any provisions of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. As an alternative to criminal prosecution or civil action, the Planning Board may elect to utilize the non-criminal disposition procedure set forth in GL, c. 40, s. 21D in the following manner:

A written warning, clearly stating the nature of the violation, the Section of the by-law violated, the required corrective action and the right of appeal to the Board of Selectmen, shall be issued to the alleged violator. This warning may be appealed to the Selectmen within twenty-one (21) days from receipt.

Thirty (30) days after issuance of the warning, a fine of \$200 may be imposed in accordance with the provisions of General Laws Chapter 40D, Section 21D if the violation is not corrected or an appeal has not been made to the Board of Selectmen within the aforementioned twenty-one (21) days or upon appeal, the Selectmen find that the warning is legitimate. The penalty for the second violation shall be \$400. The penalty for the 3rd and subsequent violations shall be \$800. Any fine imposed may be appealed to the Clerk-Magistrate of the Framingham District Court. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

11.5 Waiver

The Board may waive strict compliance with any requirement of these Regulations where such action is in the public interest and is not inconsistent with the purpose and intent of these regulations. Any Applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of these regulations does not further the purposes or objectives of these regulations. All waiver requests shall be discussed and voted on by the Board. If in the Board's opinion, additional information is required for a review of a waiver request and the 30-day timeframe for action is approached, the waiver shall be denied.

11.6 Standards

- Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended, has been demonstrated. The use of non-structural low impact development practices is encouraged to minimize reliance on structural management measures.
- The duration of exposure of disturbed areas due to removal of vegetation, soil, and/or re-grading is outlined and approved.
- There shall be no net increase in the rate of stormwater runoff from the site;
- There shall be no net increase in the volume of stormwater runoff across the boundaries of the site unless provisions have been made to tie into the public storm drain system (where available) with the approval of the appropriate parties or, the Planning Board has determined that all reasonable provisions have been made to minimize any changes in stormwater runoff at the site;
- There shall be no adverse impacts to abutting properties from any increase in volume of stormwater runoff including erosion, silting, flooding, sedimentation or impacts to wetlands, groundwater levels or wells;
- Where the site is not proposed to be covered with gravel, hardscape or a building or structure, a planting plan to ensure permanent re-vegetation of the site shall be provided and approved;
- Areas to be planted shall be loamed with not less than 5" compacted depth of good quality loam and seed with turf grass seed or other appropriate ground cover in accordance with good planting practice;
- Dust control shall be used during grading operations if the grading is to occur within 500' of any occupied residence or place of business, school, playground, park, cemetery or place of worship;
- During construction, any site access from a public way shall be improved with a gravel apron not more than 16' feet wide (residential) and 24' wide (commercial and industrial) and a minimum of 15 feet long to prevent unstable material from being transported onto the street by vehicle tires or by runoff;
- During construction, temporary erosion and sedimentation control measures will be employed in accordance with an approved plan;
- Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using a siltation barrier, siltation fences, and/or sedimentation traps.

11.7 Maintenance

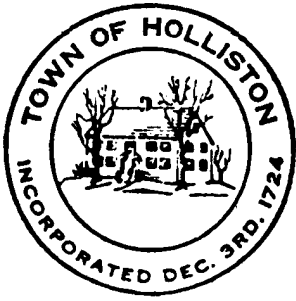
The owner of the property subject to a permit or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams, structures, vegetation, erosion and sedimentation controls and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

Stormwater management facilities and practices included in a stormwater management plan with an operations and management plan must undergo regular inspections to document maintenance and repair needs and ensure compliance with the requirements of a permit.

Holliston Planning Board

**Stormwater Management and
Land Disturbance Regulations**

- Appendix A Application Form
- Appendix B Fee Schedule
- Project Review Fees
- Appendix C General By-Law
- Appendix D Stormwater BMP Design Guidelines



TOWN OF HOLLISTON
PLANNING BOARD
TOWN HALL
HOLLISTON, MASSACHUSETTS 01746

APPLICATION FOR STORMWATER AND LAND DISTURBANCE
PERMIT

Address of Property: _____

Applicant:

Name

Mailing Address

Telephone

Property Owner (If Different from Applicant):

Name(s)

Mailing Address

Telephone

Project Description (See Section 11.3.1 of the Board's Regulations):

Applicant

Date

Owner

Date

Appendix B
Fees

Fee Schedule

Plan or action	Filing fee
<p>Soil disturbance >10,000 s.f. or more than 25% of lot</p> <p>Category 1: areas of disturbance up to 40,000 s.f.</p> <p>Category 2: areas of disturbance equal to or greater than 40,000 s.f. <i>(Note: Requires NPDES permit as well)</i></p>	<p>\$250</p> <p>\$500</p>
<p>Paving in excess of 500 s.f. (Commercial and Industrial)</p>	<p>\$250</p>
<p>Steep Slope Disturbance >250 s.f. Category 1:</p>	<p>\$250</p>
<p>Land Uses with higher potential pollutant loads (e.g. automotive, landscaping facilities)</p>	<p>\$500</p>
<p>Multiple thresholds</p>	<p>\$750</p>

Appendix C General By-Law (*Note: Pending Attorney General's approved September 2, 2008. Town Clerk published final version September 12, 2008*)

Article XLI Stormwater Management and Land Disturbance By-Law

A. Purpose

The purpose of this by-law is to control the adverse impacts of increased post-development stormwater runoff, nonpoint source pollution associated with development and redevelopment as well as erosion and sedimentation associated with land disturbance and construction. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of: impairment of water quality and flow, contamination of drinking water supplies, erosion of stream channels, alteration or destruction of habitat and flooding.

This bylaw seeks to meet the following objectives:

- Minimize damage to public and private property and infrastructure;
- Safeguard the public health, safety, environment and general welfare;
- Protect water resources and prevent contamination of drinking water supplies;
- Require practices that limit soil erosion and sedimentation on construction sites;
- Require practices that control volume and rate of stormwater runoff resulting from land disturbance activities;
- Establish the Town of Holliston's legal authority to ensure compliance with the provisions of this by-law through permitting, inspection, monitoring and enforcement.

B. Authority

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, pursuant to the regulations of the federal Clean Water Act, found at 40 CFR 122.34. This bylaw is intended to meet certain provisions of the Town's requirement to comply with the National Pollutant Discharge Elimination System (NPDES) Regulations (Phase I and II Rules).

C. Applicability

No person shall undertake an activity which may include clearing, grading, excavation or other site work that will result in a land disturbance exceeding any of the following thresholds, without a Land Disturbance Permit from the Planning Board:

1. Any activity that will result in soil disturbance of 10,000 s.f. or more, or more than 25% of the parcel or lot, whichever is less;
2. Paving in excess of a total of 500 s.f. of commercial and industrial driveways, parking lots and other impervious non-roadway surfaces;
3. Any activity that will disturb over 250 s.f. of land with 10% or greater slope.
4. An alteration, redevelopment or conversion of land use involving the following: auto fueling, service and sale facilities, fleet storage yards, commercial nurseries and landscaping facilities.

D. Exemptions

1. Projects which require a Special Permit, Site Plan Review or Definitive Subdivision approval from the Planning Board or which require an Order of Conditions from the Conservation Commission* or requires Board of Health approval of a septic system upgrade.
2. Normal maintenance and improvement of land in agricultural or logging use which is consistent with MGL, c. 40A, s. 3 and 310 CMR 10.04.
3. Construction of utilities other than drainage, which will not alter terrain or drainage patterns.
4. Maintenance of existing dwellings, including landscaping, utility connections and driveways, provided such maintenance does not alter drainage patterns.
5. Repairs to any stormwater treatment facility deemed necessary by the Planning Board and maintenance, reconstruction or resurfacing of any public way.

* For projects and/or activities within the currently regulated jurisdiction of the Conservation Commission or Planning Board as noted above, those specific application submission requirements, public notices, and fee requirements shall apply.

E. Administration

1. Authority. The primary authority for the administration, implementation, and enforcement of this bylaw lies with the Planning Board.
2. Land Disturbance Permits. The Planning Board shall have the authority to issue a permit for projects subject to this bylaw. Any such permit requirements may be defined and included as part of any Regulations promulgated as a result of this bylaw.
3. Regulations. The Planning Board shall adopt and periodically amend Regulations which establish and collect permit application fees, inspection fees, and in special cases, consultant fees for review of applications. Such regulations shall elaborate on the terms, conditions, definitions, enforcement, procedures and administration of this bylaw. For execution of the provisions of this bylaw, the Planning Board will utilize the policy, criteria and information, including specifications and standards of the latest editions of the Massachusetts Stormwater Management Policy and Technical Handbooks and Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, or local equivalents based on improvements in engineering, monitoring and local maintenance experience. The regulations shall be adopted after a public hearing.
4. Waiver. The Board may waive strict compliance with any requirement of this by-law where such action is allowed by federal, state and local statutes and/or regulations, is in the public interest, and is not inconsistent with the purpose and intent of this by-law.
5. Delegation of Authority. The Planning Board may choose to delegate, in writing, its authority in whole or in part, to a qualified representative.

F. General Permit Procedures and Requirements

1. Entry. Filing an application for a permit grants the Planning Board and its agents permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
2. Fee Structure. The Board shall obtain with each submission an Application Fee established by the Board to cover expenses connected with the public hearing and application review.
3. Permits. The Planning Board shall, within 30 days of the receipt of a completed application:
 - a. Approve the application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw;
 - b. Approve the permit with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw;
 - c. Disapprove the application if the proposed plan will not protect water resources or fails to meet the objectives or requirements of this bylaw.

After an application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of drives, no grading of lots or land, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall commence on any part of the development site until the application has been reviewed and approved in accordance with this by-law and its' implementing regulations.

4. Failure of the Planning Board to take final action upon an application within 30 calendar days of receipt of a complete application shall be deemed to be approval of such application. Upon certification by the Town Clerk that the allowed time has passed without action by the planning Board, the Permit shall be issued.
5. Project Completion. At completion of the project, the permittee shall submit as-built drawings of all structural stormwater controls and treatment best management practices required for the site. This requirement may be waived at the Planning Board's discretion. No occupancy permit shall be granted unless and until the construction of all site improvements are complete or the work remaining to be done is secured.

G. Appeals. A decision of the Planning Board shall be final.

H. Enforcement. The Planning Board or an authorized agent shall enforce this bylaw and its implementing regulations and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any regulations promulgated as permitted under this bylaw.

I. Severability If the provisions of any portion of this by-law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of the by-law.

Appendix D

Best Management Practices (BMP) Design Guidelines

(See also DEP's "Structural Pretreatment BMP's")

EXTENDED DETENTION BASINS:

- Pretreatment via forebay or Water Quality Inlet (WQI) is required if runoff is from paved surfaces.
- Shallow Marshes not allowed.
- Outlet Structures with safety grates are to be as shown on the Town Standard.
- Maximum sideslope = 3:1.
- Minimum separation to Seasonal High Water Table = 6".
- Slopes to be seeded with native wild grass.
- Emergency Spillway required, with route of overflow water shown, and potential impacts to abutting property described.
- Shall not be formed with an embankment greater than 6 ft. high (Note: Greater heights come under MA dam regulations).
- Access to the outlet structure to be 10' min. wide, 15% max. grade, gravel base with 3" loam and seed surface. Access shall not cross the emergency spillway.
- Maximum depth 12'.
- 2% minimum bottom slope.
- 40 hour max. detention time for the 25-yr. Storm. 72 hour max. detention time for the 100-yr. Storm. Infiltration shall not be included in these calculations.
- 4:1 maximum length to width ratio.
- Outlet to be opposite inlet.
- Low flow underdrain required.
- Setbacks listed in the DEP Handbook are to be measured from the outside edge of the top of slope.

WET RETENTION PONDS – Not allowed.

INFILTRATION TRENCH:

- Perforated distribution pipe required. Inspection port at end of each trench required.

INFILTRATION BASINS:

- Same requirements as Extended Detention Basins, except 1 ft. separation to SHWT required.

DRY WELLS:

- Must include perforated structure, not just stone.

SAND FILTERS / ORGANIC FILTERS – No changes.

SEDIMENT FOREBAYS – No changes.

Appendix D Continued

DRAINAGE CHANNELS – No changes to DEP handbook design.

UNDERGROUND DETENTION BEDS:

- Pretreatment with a WQI required for runoff from paved surfaces.
- Inspection ports to grade required over inlet end and opposite end.
- Emergency overflow provision must be included
- Design using chamber system, similar to as required for a Title V system, with specific changes to make favorable for stormwater.
- Setbacks same as for extended detention basins.